

\$~R-205

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: August 04, 2015

+ **CRL.M.C. 2231/2014**

NARENDER MAHENDRU Petitioner
Through: Mr. K.K. Manan, Senior Advocate,
with Mr. Aashish George and Mr.
Puneet Singh Dhir, Advocates
versus

THE STATE NCT OF DELHI Respondent
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Shamsudeen

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Vide impugned judgment of 5th January, 2013 petitioner herein has been convicted for the offence under Sections 201/212 of *IPC* and vide order of 23rd January, 2013 he has been sentenced to undergo simple imprisonment for one month and fifteen days with fine of ₹100/- each for the offence under Section 201 of *IPC* as well as Section 212 of *IPC*. In default of payment of fine, petitioner has been directed to further undergo simple imprisonment for a period of fifty days. Both the sentences have been directed to run concurrently.

Aforesaid order was unsuccessfully challenged by way of a criminal revision petition and vide order of 7th May, 2015 the revisional

court has upheld the order of the trial court while reducing the period of simple imprisonment in default of payment of fine from 50 days to 10 days.

At the hearing, learned senior counsel for petitioner submitted that petitioner has already faced the agony of these proceedings for the last 16 years and has remained behind bars in this case for 3-4 days and that petitioner has clean antecedents and no other criminal case is pending against him except the present one. It was further submitted by learned senior counsel for petitioner that petitioner is a senior citizen aged 68 years and is suffering from various old-age ailments and that no fruitful purpose would be served in sending petitioner behind bars as he has already faced the agony of these proceedings for more than sixteen years and so, a lenient view deserves to be taken and the ends of justice would be met if petitioner is released on probation.

Learned Additional Public Prosecutor for respondent-State supported the impugned judgment and submitted that there is no illegality or infirmity in it.

Upon hearing both the sides and on perusal of the impugned judgment, I do not find any merits in this petition except in the plea for probation urged on behalf of petitioner. As such, in the facts and circumstances of this case and considering the fact that petitioner has clean antecedents and has faced the agony of these proceedings for more than sixteen years and is a senior citizen, who is suffering from old-age ailments, I find no good reason to deny the benefit of probation to petitioner as after sixteen years of prolonged proceedings, no fruitful purpose would be served in sending petitioner behind bars. Ends of

justice would meet if the sentence of fine is suitably enhanced to ₹ 11,000/- and converted into costs. Accordingly, petitioner is granted probation upon his furnishing probation bond in the sum of ₹20,000/- for six months with one local surety of the like amount to the satisfaction of trial court and depositing the costs of ₹11,000/- (after adjusting the amount already deposited, if any with PM Relief Fund) within a week from today.

Upon completion of period of probation of six months, a report be submitted by the Probation Officer to the trial court. In case petitioner fails to successfully complete the probation for a period of six months, he shall be then liable to undergo appropriate sentence.

Trial court be apprised of this order forthwith.

This petition is accordingly disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

AUGUST 04, 2015

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